

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Amato John Russo,  
Petitioner

v.

Case No. 11-cv-587-SM

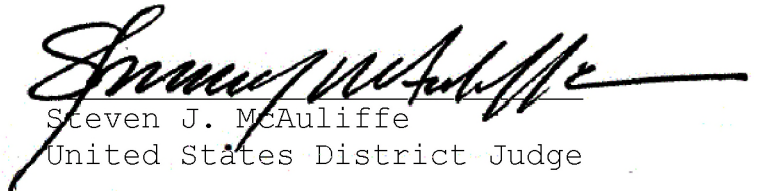
State of New Hampshire,  
Respondent

O R D E R

Notwithstanding the appointment of counsel to assist him, and repeated extensions of time to afford him a full opportunity to demonstrate exhaustion of state remedies with respect to the federal claims he seeks to assert in his habeas corpus petition, as required, petitioner has utterly failed to comply with the directives of the court as set out in its order dated August 17, 2012 (docket no. 44), as reiterated at the hearing held on February 2, 2014. Claims 2 and 3 set out in the petition as construed by the Magistrate Judge were withdrawn by petitioner a hearing held on February 2, 2014. The Report and Recommendation (docket no. 32) is approved and adopted with respect to the remaining claims. Those claims are dismissed without prejudice for failure to comply with the court's directives and failure to demonstrate exhaustion of available state court remedies with respect to those claims. 28 U.S.C. § 2254(b)(1). Pursuant to Rule 11, Rules Governing Section 2254 Cases, the court

declines to issue a certificate of appealability, although petitioner may seek such a certificate from the United States Court of Appeals for the First Circuit under Federal Rule of Appellate Procedure 22(b). The clerk shall close this case.

SO ORDERED.



Steven J. McAuliffe  
United States District Judge

Date: March 19, 2014

cc: Amato John Russo, Pro se